

Honorable Viktor V. Pohorelsky
October 7, 2004
Page 2 of 2

conference of September 28 will have been addressed by that date, and that the events directed by the Court will have been undertaken. It is further expected that a ruling from Judge Gleeson respecting a pre-motion conference will have been rendered and the parties either can advise the Court of the need for the conference on October 26, or the lack thereof. Should the latter be the case, the parties can advise the Court of the status of the proceedings following the pre-motion conference before Judge Gleeson.

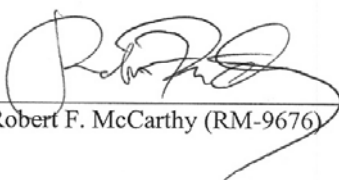
No prior requests for adjournments have been made and counsel for plaintiff has graciously consented to the adjournment.

Should the Court require any additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

McDONALD, CARROLL, COHEN & RAYHILL

By:


Robert F. McCarthy (RM-9676)

cc: Sanford L. Pirotin, PC
323 Madison Street
Westbury, NY 11590

LAW OFFICES
**McDONALD, CARROLL, COHEN &
RAYHILL**

DAVID L. BENDIK
MICHAEL A. BUFFA
DENIS E. CARROLL
PAUL COHEN
MARK A. COLLESANO
JOHN K. CORRIGAN
STEVEN M. DISTLER
ALEXANDER D. FISHER
STEPHEN I. GOLDBERG
ROBERT F. MCCARTHY
VIRGINIA E. McDONALD
KATHLEEN E. NEGRI
MICHAEL P. O'BRIEN
GAIL P. PARISER
KENNETH E. PINCZOWER
BRIAN J. RAYHILL

Employees of Nationwide Mutual Insurance
Company®
Not a Partnership

13TH FLOOR
ONE WHITEHALL STREET
NEW YORK, NY 10004-3605

(212) 248-9100
FAX (212) 510-9257, and 510-9258

THOMAS J. REILLY
RAYMOND J. SOFIELD

OFFICE SUPERVISOR
SELENA STIGALL

PARALEGALS
CHERYL E. CHARLES
TRANELL D. DANIELS
ALICE JUNE HOEY
STAVROULA S. KONTOGIANNIS
KINAYA REEVES
LAURA E. RUBINICH
VINCENT VOZZO

October 7, 2004

Honorable Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Attiya Harris, et al., v. Stacey D. Ware
Index No.: 04 CV 1120
Our File No.: 04NY00806

Your Honor:

This office represents defendant Stacey Ware, with respect to the above-referenced litigation. An initial conference was held before the Court on September 28, 2004.

At the conference on September 28, defense counsel inquired of the Court, respecting motion practice related to, *inter alia*, jurisdictional issues and the applicable Statute of Limitations. Based upon the dispositive nature of the proposed motion, the Court directed that a written application be made to Judge Gleeson, the assigned District Court judge, for a pre-motion conference, in compliance with Judge Gleeson's rules. In the interim, the Court set a conference date of October 12, 2004, in lieu of setting a discovery schedule.

The Court also directed that, once the application was made to Judge Gleeson, and if Judge Gleeson set a pre-motion conference, the appearance before the Court would not be needed on October 12, and the parties would report the status of the proceedings after the pre-motion conference before Judge Gleeson. Defense counsel was directed to advise the Court as to whether or not the proceedings on October 12 would be necessary.

Due to a family illness, the undersigned was unable to make the application for the pre-motion conference in the prescribed timeframe. Accordingly, it is respectfully requested that the conference scheduled for October 12, 2004 at 2:00 p.m. be adjourned until October 26, 2004, at 2:00 p.m. It is anticipated that the issues raised during the initial